

REMARKS

Claims 9 and 13-17 presently appear in this case. Claims 16 and 17 have been allowed; the other claims remain rejected. The official action of April 6, 2004, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

Briefly the present invention relates to novel isolated polypeptides that are involved in the process of apoptosis, as well as analogs, and derivatives thereof and antibodies thereto.

In applicants' amendment of January 15, 2004, paragraph [0275] was deleted from the specification. By the present amendment, paragraph [0286] is also deleted, and paragraph [0287] is amended to delete reference to "HIF-1". These amendments to the specification are being made as the accuracy of the statements in the deleted paragraphs has recently been called into question. These statements are not necessary for support of the claims. Other utilities are present in the specification. It serves no good purpose to have possibly inaccurate statements in the specification of an issued patent. The deletion of these paragraphs, which are only peripheral to the claimed invention, does not comprise prohibited new matter and should be permitted. The correction to paragraph [0277] merely corrects a typographical error.

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be permitted. The correction to paragraph [0277] merely corrects a typographical error.

REQUEST FOR CORRECTION OF INVENTORSHIP

In accordance with 37 C.F.R. §1.48(a), it is hereby requested that the inventorship of the present application be corrected so as to add as an inventor Aviv Regev. Dr. Regev was omitted from the named inventors when the original declaration was signed in this case through error without any deceptive intention on her part.

The present request complies with 37 C.F.R. §1.48(a)(1).

In compliance with 37 C.F.R. §1.48(a)(2), attached hereto is a statement of Dr. Regev, who is the only person being added as an inventor, no persons being deleted as inventors, stating that the error in inventorship occurred without deceptive intention on her part.

In compliance with 37 C.F.R. §1.48(a)(3), attached hereto is a declaration by all of the actual inventors as required by 37 C.F.R. §1.63.

In accordance with 37 C.F.R. §1.48(a)(4), the present communication authorizes payment of the processing fee set forth in 37 C.F.R. §1.17(i).

In accordance with 37 C.F.R. §1.48(a)(5), attached hereto is a written consent of the assignee in view of the

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As all of the requirements of 37 C.F.R. §1.48(a) have been met, entry of this correction of inventorship in the records of the Patent and Trademark Office is respectfully urged.

In the official action of April 6, 2004, the objection to claim 9 for depending on a subsequent claim was maintained until the application becomes in condition for allowance and the claims renumbered. As the examiner has indicated that the objection will be dropped at the time of allowance when the examiner renumbers the claims in their proper order, this is out of applicants' hands, and as the examiner has indicated that he would renumber the claims properly at the time of allowance, the issue is moot.

Claims 13, 9, 14 and 15 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The examiner states that the phrase "said naturally occurring polynucleotide" is indefinite because claim 13 recites two instances of a naturally occurring polynucleotide.

Claim 13 has now been amended in order to clarify exactly which naturally occurring polynucleotide is being referred to. Accordingly, this indefiniteness rejection has now been obviated. Reconsideration and withdrawal thereof are, therefore, respectfully urged.

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Claims 13, 9, 14 and 15 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The examiner states that the claims encompass a genus of protein fragments that induce cell apoptosis when overexpressed in MCF-7 cells. However, the examiner does not believe that applicants possessed all such fragments that induce cell apoptosis when overexpressed in MCF-7 cells, as the specification provides no protein fragments that induce apoptosis and no description of which region of the product encoded by gene 95 is involved in the induction of apoptosis.

While applicants do not concur with the examiner's conclusion, in order to expedite issuance of this case, paragraphs (d) and (e) of claim 13, relating to fragments, have now been deleted and reference to fragments has been deleted from claim 9. Accordingly, the only portion of the claims to which the examiner has objected has now been deleted, thus obviating this rejection. It is believed that the claims as amended are all in condition for allowance. Applicants expressly state that this amendment is being made without dedication, disclaimer, waiver or estoppel and without prejudice toward the continuation of prosecution thereof in a continuing application.

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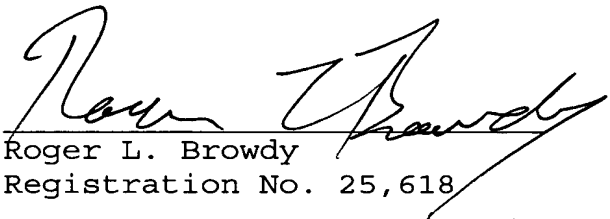
and without prejudice toward the continuation of prosecution thereof in a continuing application.

As claims 16 and 17 have been allowed and the remaining claims have been amended in such a manner as to eliminate all remaining grounds of rejection, it is urged that the present application is in condition for allowance. Prompt reconsideration and allowance are, therefore, earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Roger L. Browdy
Registration No. 25,618

RLB:rd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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